

# Angela Lochner v. DATCP

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DATCP's Opening Statement

## Historical framework

- Pre-Act 10, salaries on steps by seniority
- State employee salary depression and state-wide efforts to remedy stagnant salaries state-wide
- Problems recruiting and retaining experienced talent in WMPSS
- Solution: broadbanding

## Summary of evidence

- Broadbanding, February 7, 2016
- New hires into WMPSS had previous, relevant experience
- Plans to address inequities based on seniority
- State Compensation Plan – limited tools to raise existing salaries
- DATCP's 2018 DERA request for Lochner rejected by Dept. of Administration because she would leapfrog 13 more senior people
- DATCP's 2019 DERA decision based on seniority
- Discretionary Market Dollar adjustment
- Lochner's salary jumped over \$4.00 in three years; made possible because of inequities caused by broadbanding

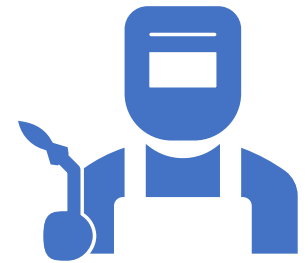
Witnesses will  
testify:  
Broadbanding  
caused Lochner's  
salary to be  
lower than new  
hires into  
WMPSS

- Post Act 10, Broadbanding was primary tool to raise in-coming salaries across State Government
- Address recruitment problems in WMPSS
- The tool only allows for higher salaries upon hire; does not raise salaries for more senior employees
- Before broadbanding, all incoming employees started at the minimum
- Problem across state government: salaries of incoming employees leapfrog salaries of more senior employees

## Experienced recruits

State service  
petroleum industry  
weights and measures  
military  
Computer/IT skills

hazardous materials  
regulatory enforcement  
retail sales auto parts  
mechanical engineering  
Storage tank maintenance



Decision to advertise WMPSS starting salary at \$21 – 26

Advertised starting rate at \$23.00/hour

Post-  
broadbanding  
hiring  
justifications

Dkt. 32-1 ¶¶ 106-  
110, 112-132

<p>Shawn Suri</p> <ul style="list-style-type: none"> <li>• Certified tank specialist</li> <li>• 7 years fuel specialist</li> </ul>	<p>Benjamin Clark</p> <ul style="list-style-type: none"> <li>• 5 years state service</li> <li>• 2 years meat safety inspector</li> </ul>
<p>Ed Sindelar</p> <ul style="list-style-type: none"> <li>• Engineer</li> <li>• Previous state service; \$5.50 pay cut</li> </ul>	<p>Anthony Hoffmann</p> <ul style="list-style-type: none"> <li>• 5 years exp. weights and measures</li> </ul>
<p>Michael Dailey</p> <ul style="list-style-type: none"> <li>• 3 years exp regulatory enforcement</li> <li>• 1 year WMPSS LTE</li> <li>• 15 weights and measures trainings</li> </ul>	<p>Jacob Schafer</p> <ul style="list-style-type: none"> <li>• WMPSS LTE – highly regarded employee</li> <li>• Negotiated salary</li> </ul>
<p>Chad Brockman</p> <ul style="list-style-type: none"> <li>• 5 years relevant weights and measures exp</li> <li>• Some chemical engineering</li> </ul>	<p>Daniel Lindert</p> <ul style="list-style-type: none"> <li>• 25 years aircraft maintenance</li> <li>• Exp. storage tanks and scales</li> </ul>
<p>Richard McCann</p> <ul style="list-style-type: none"> <li>• 17+ years state service</li> <li>• 7 years weights and measures</li> <li>• 10 years metrology</li> </ul>	<p>Travis Soper</p> <ul style="list-style-type: none"> <li>• Experience with scales, calibration, <u>weights and measures devices</u></li> </ul>
<p>Joel Burdick</p> <ul style="list-style-type: none"> <li>• Science and fire safety background</li> <li>• 21 months meat safety inspector</li> </ul>	<p>Nicholas Eberle</p> <ul style="list-style-type: none"> <li>• WMPSS LTE 2+ years, \$20-\$21 per hour</li> <li>• Negotiated salary</li> </ul>
<p>Jason Karczewski</p> <ul style="list-style-type: none"> <li>• 20 years, managing pricing, sales, inventory, and point of sales computer systems; computer science</li> </ul>	<p>Joseph Uminski</p> <ul style="list-style-type: none"> <li>• 16 years law enforcement</li> <li>• 3<sup>rd</sup> candidate</li> </ul>
<p>Lance Smithey</p> <ul style="list-style-type: none"> <li>• 4 years petroleum industry</li> <li>• hazardous material training</li> </ul>	<p>Darren Leone</p> <ul style="list-style-type: none"> <li>• Exp. Manufacturing, scales calibration, computers</li> </ul>

# Applicants

- Starting salaries for recruits were balanced against other starting salaries, not salaries of more senior employees
- Very few female applicants to WMPSS
- Never passed over a more experienced woman to hire a man
- At DATCP and Nationwide: historically male-dominated profession

# WMPSS SENIOR EMPLOYEES EARNING LESS THAN NEW HIRES

Exh. 1044

Name	Seniority Date	Salary as of Feb 2018
Hailer	1999	24.41
Zorn	2000	24.41
Malek	2001	24.41
Daniel	2005	23.65
Schreiber	2008	23.18
McCarthy	2011	22.99
Tropen	2011	22.99
Dequaine	2013	22.73
Lochner	2014	23.40
Stoddard	2015	23.31

Evidence shows:

**Equal effect on men and  
women in WMPSS**

- Sindelar 27.75                      Dailey 23.75
- Brockman 24.75                      Burdick 24.75
- Karczewski 24.75                      Suri 24.75



State  
Compensation  
Plan – limited  
tools to raise  
existing  
salaries

WMPSS had 3 opportunities to raise salaries for more senior employees

- DATCP's 2018 DERA request for Lochner rejected by Dept. of Administration because she would leapfrog 13 more senior people
- DATCP's 2019 DERA decision based on seniority
- Discretionary Market Dollar adjustment

All other salary raises were across-the-board, required under the Comp Plan

# 2018 Discretionary Equity Retention Award

DATCP pushed for a base building DERA for Lochner

DOA denied because giving Lochner a DERA would create greater inequities in the classification

Looked at total years of state service and not years in the classification

26 DERAs available

# Lochner's salary higher than more senior men

All employees listed were earning less  
than at least one of the new WMPSS  
post-broadbanding employees

Petzold (entry), 2003 seniority date, \$ 21

Dkt 32-1 ¶ 133

Name	Seniority year	Hourly wage on 2-18-18
Steven Hailer	1999	\$24.41
James Zorn	2000	\$24.41
Joseph Malek	2002	\$24.41
Jacques Daniel	2005	\$23.65
Joe Schreiber	2008	\$23.18
Kevin Mccarthy	2011	\$22.99
Nathan Torpen	2011	\$22.99
Mark Dequaine	2013	\$22.73
Angela Lochner	2014	\$23.40
Kent Stoddard	2015	\$23.31

# Several WMPSS Senior employees upset about wage inequities



- Kevin McCarthy
- Kent Stoddard
- Joe Schreiber

Shelly Miller testimony

# 2019 DERA

Name	Seniority Date	Hourly wage	DERA amount	End wage
Daniel, Jacques	10/31/2005	24.62	2.40	27.02
McCarthy, Kevin	1/3/2011	23.92	2.40	26.32
Malek, Joseph	7/9/2001	25.40	2.40	27.80
Petzold, Jonathan	10/13/2003	27.08	0.72	27.80
Saladino, Joseph	12/8/2008	24.13	2.40	26.53
Santroch, Wayne	8/30/1993	27.76	0.65	28.41
Torpen, Nathan	5/9/2011	23.92	2.40	26.32
Schreiber, Joe	8/1/2008	24.13	2.40	26.53

- Limited Number: 27, 5%
- All employees had more years of state service
- Lochner's salary April 2019: 24.35
- Lochner received a \$2,000 DMC
- Dkt 32-1 ¶ 178
- Exh 1048 p 151

# Discretionary Market Dollars

- Money generated through a change in the State Compensation Plan
- Process began in 2018; formal request made in April 2019
- Requested \$1.30/person; received \$.70 per person
- Not enough money to go around – limited by Wisconsin Legislature's Joint Finance Committee
- WMPSS received 2 market adjustments 2018/2019 - unusual
- Everyone under 10 years – to at least 26.41
- Everyone between 10 – 20 years to at least \$28.49

# Discretionary Market Dollars

## Exhibit 1044

Hailer*	12-6-99	\$28.50
Zorn <sup>4</sup> **	11-27-00	Retired
Malek *	7-9-01	\$28.49
Petzold**	10-13-03	\$28.49
Daniel *	10-31-05	\$28.49
Sander*	12-11-06	\$28.49
Schreiber*	8-18-08	\$28.49
Kohlman*	3-2-09	-
Mccarthy*	1-3-11	\$26.41
Torpen*	5-9-11	\$26.41
Dequaine	11-18-13	\$26.41
Clark	12-22-13	-
Lochner	1-13-14	\$26.41
Sindelar**	9-22-14	-

Veteran  
employees  
trained new  
hires



Name	Seniority Date	Salary as of Feb 2018
Jacques Daniel	2005	23.65
Joe Schreiber	2008	23.18
Kevin McCarthy	2011	22.99
Nathan Tropen	2011	22.99
Mark Dequaine	2013	22.73
Angela Lochner	2014	23.40

- |            |       |            |       |
|------------|-------|------------|-------|
| • Suri:    | 24.75 | Karczewski | 24.75 |
| • Dailey:  | 23.75 | Sindelar:  | 27.75 |
| • Brockman | 24.75 | Burdick:   | 24.75 |



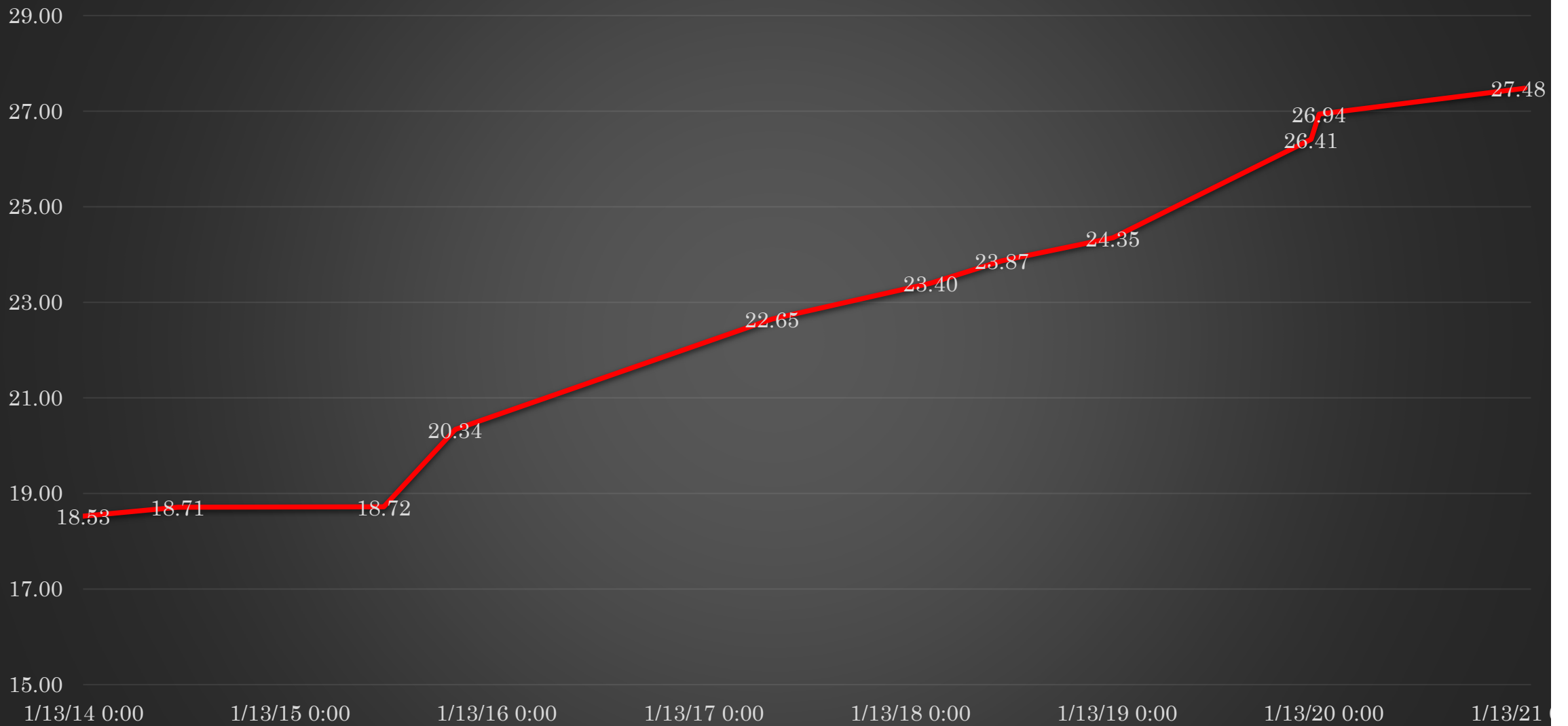
# Lochner similarly situated with Dequaine and Stoddard

- Lochner earned more than man hired before her and man hired after her
- All 3 employees received increases at the same time
- All ended with equitable salaries



Name	Starting Salary in WMPSS	Senior Re-class pay	Feb 2018 across the board increase	June 2018 2% GWA	Jan. 2019 2% GWA	Dec 2019 market adjustment
<u>Dequaine</u> Seniority 11/2013 WMPSS 11/2013	20.04	21.973	22.73	23.19	23.66	26.41
<b>Lochner</b> Seniority 01/2014 WMPSS 11/2015	20.34	22.65	23.40	23.87	24.35	26.41
<b>Stoddard</b> Seniority 09/2015 WMPSS 09/2015	20.25	22.56	23.31	23.78	24.26	26.41

## Lochner's Comp Rate



# Broadbanding necessary; allowed state to recruit talent and increase salaries of existing employees

The evidence will show that the only way Angela Lochner could have received a higher salary than the employees hired post-broadbanding would be to have

- never implemented broadbanding, or
- never tried to use higher starting wages to remedy DATCP's recruitment and retention problems

Evidence will show broadbanding allowed DATCP to raise salaries of existing employees

- Internal inequity gets priority for resolution in the comp plan

